

DOCKET NO: 277513US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NORIYUKI SAKOH, ET AL. : EXAMINER: JACOB, A.
SERIAL NO: 10/566,630 :
FILED: JANUARY 31, 2006 : GROUP ART UNIT: 2161
FOR: DATA DISPLAY CONTROL :
DEVICE :

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a reply to the Examiner's Answer dated January 7, 2010. This Reply Brief addresses the assertions made in the Examiner's Answer with respect to the original grounds of rejection.

Page 7 of the Examiner's Answer asserts that "The vertical and horizontal steps are argued to be automatic. But the first section of the scrolling step describes the partial text data to be the "remaining text data", which is horizontally scrolled **after** receiving "a command from a user". Thus the step of scrolling the horizontally and vertically is initiated by user command and **not automatically**."

In the invention recited in Claim 1, a user enters a single command to initiate horizontal scrolling of text data by scrolling means that occurs without any further user input, i.e. the speed of the scrolling and the amount of text data scrolled is not related to any input by a user. Thus, it is respectfully submitted that the horizontal scrolling is in fact "automatic."

Further, after horizontally scrolling the remaining text data, the scrolling means automatically vertically scrolls other pieces of text data. Accordingly, even assuming *arguendo* the horizontal scrolling is not “automatic” due to the entry of a command by a user to begin the horizontal scrolling, Tsuk clearly does not describe vertically scrolling other pieces of text data without any further user input after horizontally scrolling the remaining text data. In this regard, it is respectfully noted that the legal standard for an anticipation rejection is that “A claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described, *in a single prior art reference*.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See MPEP 2131. In this case, Tsuk only describes scrolling based on commands from a user through rotational user action, as noted on page 7 of the Examiner's Answer. In particular, the only portions of Tsuk cited as describing scrolling are paragraphs 11 and 68. Paragraph 11 states “The amount of acceleration provided can be performed in successive stages, and/or performed based on the speed of a rotational user action.” Thus, no scrolling can occur without receiving a specific rotational user action to determine the speed of the scrolling. Paragraph 68 of Tsuk describes that at least the direction of scrolling is controlled by the user input, and thus no scrolling can occur without receiving a specific rotational user action to determine the direction of the scrolling. Thus, Tsuk cannot describe “the scrolling means automatically vertically scrolls other pieces of text data after automatically horizontally scrolling the remaining text data after the partial text data” as defined in Claim 1. Therefore, Claim 1 (and Claims 3, 4, and 7-10 dependent therefrom) is not anticipated by Tsuk and is patentable thereover.

Independent Claims 5, 6, and 11 recite similar subject matter as discussed above, and thus patentably define over Tsuk for at least the reasons described above. Therefore,

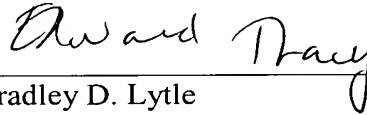
Application No. 10/566,630
Reply Brief

independent Claims 1, 5, 6, and 11 are believed to define over Tsuk for at least the reasons discussed herein and in the Appeal Brief.

It is respectfully requested that the outstanding rejections be REVERSED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

A handwritten signature in cursive script, appearing to read "Bradley D. Lytle", is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 07/09)

Edward W. Tracy, Jr.
Registration No. 47,998